

Drugs Opium
~~China~~

IS THE MAJORITY REPORT OF THE OPIUM COMMISSION TRUSTWORTHY?

A SPEECH

DELIVERED IN THE
HOUSE OF COMMONS

BY

MR. JOHN ELLIS,

M.P. FOR THE RUSHCLIFFE DIVISION OF NORTHAMPTON.

24TH MAY, 1895.

EXTRACTED FROM
"THE AUTHORISED PARLIAMENTARY DEBATES."

On Friday, 24th May, 1895, Sir JOSEPH W. PEASE, Bart., M.P., proposed the following resolution :—

"That this House, having had before it its Resolution of the 30th June 1893, pressing on the Government of India to continue their policy of greatly diminishing the cultivation of the poppy and the production and sale of Opium, and having had presented to it the Report of the Royal Commission, appointed 2nd September 1893, to inquire into various matters connected with the cultivation of the poppy in India, is of opinion that the system by which the Indian Opium Revenue is raised is morally indefensible, and would urge upon the Indian Government

that they should cease to grant licences for the cultivation of the poppy and sale of Opium in British India, except to supply the legitimate demand for medicinal purposes, and that they should at the same time take measures to arrest the transit of Malwa Opium through British territory."

In seconding the Resolution, Mr. JOHN E. ELLIS said he proposed to confine his remarks to two points only, the attitude of the authorities in India with respect to the Opium Commission, and the procedure of the Commission itself. He proceeded as follows :—

I. THE ATTITUDE OF THE INDIAN AUTHORITIES.

1.—A LETTER FROM THE VICEROY.

On November 20, 1893, two days after the Commission met, there was laid before it a very important document—a letter from the Governor General of India—and it was not to be found anywhere in the report of the Commission's proceedings. As that contained a statement in support of the existing system, and a warning as to the serious political consequences that might ensue from interfering with it, it looked like an attempt to influence unduly the course of the inquiry. It was an extraordinary proceeding on the part of the Governor General. It would not be tolerated on the part of a high political executive officer in this country, and he would not dream of it. He hoped his right hon. Friend the Secretary for India would give his opinion as to that letter and produce the document, which came from the Governor General, was laid before the Committee at almost its earliest stage, and was intended to influence its proceedings.

2.—EVIDENCE TO BE SUBMITTED TO CALCUTTA.

Hon. Members who studied the seven volumes of the proceedings of the Commission carefully would find here and there, not very carefully arranged—nothing was carefully arranged in those volumes—communications from the Central Government to the subordinate governments in Madras, Bengal, Central India, North-West Provinces, and the Resident of Hyderabad, giving instructions as to the manner in which evidence was to be collected, indicating the kind of evidence, and requiring that lists of witnesses, with their evidence, should be sent to the Central Government. That was a proceeding not calculated in any respect to aid the Commission in finding out the truth. This want of trust in subordinate governments was very much misplaced under the circumstances. Their excise regulations and other characteristics being different, they ought to

have been left to take their own course in relation to the Royal Commission as to witnesses and evidence. What effect was such a course likely to have on these subordinate governments? Precisely what he believed was followed by the Government of the North-West Provinces. They issued instructions that none of their officials should communicate direct with the Secretary of the Royal Commission. He wondered what would be thought, if, when a Commission or a Select Committee was appointed in this country, executive officers were found interposing to prevent any of their subordinates dealing direct with the Secretary of the Commission or the Clerk of the Committee. What had been the action of the authorities with respect to the collection of evidence and towards witnesses?

3.—A MISSING RETURN.

But before he dealt with that he should like to point out that there was one great omission with respect to this matter. The hon. Baronet who moved this Motion had alluded to the soldier argument. They often heard that the regiments drawn from certain parts of the country could not live without opium; that it was their daily stimulant, and they must have it. A circular was issued to the officers commanding every regiment and battalion in the native army asking them for numerical returns as to the numbers of opium smokers, &c. But he had looked in the Blue Books in vain for any of these figures. Where were the replies to these circulars? Parliament should have been furnished with them, whether they upheld the action of the authorities on the opium traffic or were against it.

4.—MISLEADING CIRCULARS.

Then, when the House came to the issue of circulars to persons who desired to give evidence, there were strong illustrations of what he would almost venture to call the perversion of terms of reference to the Commission. All would agree that when a document was quoted it should be quoted accurately, and if it was said that the Government had resolved on a

certain policy the exact words should be given in which that policy was laid down. He had strong complaint to make with respect to this. One official of the Indian Government—Mr. Lyall by name—issued a circular, and in that circular quoted the objects of the Inquiry most inaccurately. It was quite true that two days afterwards correct copies of the House of Commons Resolution were sent out. Whether Mr. Lyall's attention had been called to it or not he did not know, but in his circular the terms of the reference were misquoted and the circular was misleading.

5.—SELECTION OF WITNESSES.

Let him now turn to the witnesses. A certain medical practitioner, Isau Chandra Roy, M.B., received a circular desiring him to give evidence on particular points. Surely when evidence was asked for, it was not usual to prescribe in the first instance to a person the points on which it was desired he should give evidence. He was usually asked the points on which he desired to give evidence, and then it was seen whether or not they fell within the terms of the reference. On 4th December a letter was sent to this gentleman, who sent in his evidence, it not being favourable to the existing system. A date was fixed for his examination, and on 3rd January the officer who asked him to give evidence and suggested points on which he should give it, wrote to him that :—

“Under instructions received from the Government you are not required to attend to give evidence before the Royal Commission on Opium.”

The same treatment was meted out to others whose evidence was not favourable to the Central Government. Mr. Roy attended on the Commission after he had been told he need not, and stated that not only had he received that treatment, but others had been treated in the same way. The evidence of Rai Bahadur Jai Prakishlal, C.I.E., Dewan, or chief officer of the Dumraon Raj, a gentleman of high position, was not favourable to the Government, and though present at the Commission he was not called as a witness. He had most

important and unfavourable testimony to give respecting cultivation of the poppy. The list of witnesses at Lucknow contained a large number of names of persons who were not called. There were 24 called, 23 of them being favourable to the system. The whole list was called for, but never produced. Among those not called were a number who were opposed to the cultivation of poppies, and it turned out that two of them were actually officers of the Indian Government, who were prepared to say that the suppression of that cultivation would have no injurious effect either upon the revenue or rents.

6.—HOW THE CASE WAS ENGINEERED IN RAJPUTANA.

The most striking illustration of the way in which the case was worked up and engineered by the Indian authorities was afforded by the case of Rajputana. On the 9th September the Government of India directed the Agent-General of that State to give instructions for the appointment of witnesses and the nomination of a representative European officer, and that an abstract of the evidence should be sent to the Central Government. Upon the 22nd September, Colonel Trevor, the Agent General, issued a circular to all political officers in Rajputana, and on 5th of October, Colonel Abbott was appointed to give evidence and to produce witnesses. The circular that Colonel Abbott drew up was of a most extraordinary character. It filled two or three pages of the Blue Book, and certainly he had never seen before such leading questions as it contained, questions and instructions showing a want of fairness of mind and of judicial temper on the part of those who were getting up evidence to be laid before a Commission, that was surprising. The witnesses were assembled a week beforehand, in order that Colonel Abbott might have interviews with all of them before they were examined. Apparently the evidence so obtained did not satisfy the Government, because after they received the Report of Colonel Abbott as to what he had done, Mr. Bayley, Assistant Agent to the Governor General, wrote a

long letter, in which he pointed out that on looking over what Colonel Abbott had stated, Mr. Dane was afraid that the subject of the loss that the Revenue would sustain by the suppression of the cultivation of poppies had not been put forward with sufficient clearness, and directed Colonel Abbott to take further steps in order that the Commission might be fully informed upon that head.

7.—AN INVERSION OF ORDINARY RULES.

Speaking on his responsibility as a Member of Parliament, he could say he had given the House only a slight and fragmentary illustration of what he could lay before them under this head of witnesses and evidence. The whole thing was the most complete inversion of the ordinary rule to which we were accustomed in this country when it was desired to elicit the truth upon any question. It was the duty of the Indian Authorities to take the utmost care that the truth, the whole truth, and nothing but the truth was (so far as they had any control) laid before the Commission. But by this process of misleading circulars, prescribed questions, suggestions in a particular direction, examination and filtration of evidence, and withholding of certain witnesses, the precisely contrary course was taken. The Commission was fed by the Authorities with certain evidence, and that only. The result was much what might have been expected.

8.—“WHATEVER GOVERNMENT THINKS IS RIGHT.”

The whole matter was summed up concisely by one witness in his written reply to questions sent to him :—

“That is the general opinion, but whatever the Government thinks is right.”

Nothing could bring home to the English people more clearly the character of the evidence that had been given before the Commission than those words, and nothing more contradictory to our English ideas of getting at the truth than the course that had been adopted by the Indian Government in this matter could be conceived. That House itself

even, would not be sitting in its present form if the people of this country had during the centuries held the notion that whatever the Government thought was right. He protested against the idea that had got into the minds of some of these poor people that they were bound to think as the Government did upon this subject.

9.—SHADOWING A COMMISSIONER.

He should like to conclude his portion of this aspect of the matter by alluding to the behaviour of the authorities to a Royal Commissioner. At Bankipur, on 3rd January 1894, the hon. Member for Holmfirth laid before the Commission particulars of the police of the district of Gya having been round inquiring of the people into his (Mr. Wilson's) movements, whom he had seen, what had been said by and to him by the inhabitants, etc. On the 4th January Mr. Macpherson, collector of revenue, appeared before the Commissioners and explained—

“I had heard in Calcutta from Mr. Dane that anti-opium people had been over our district hunting up evidence they seemed to think of importance.”

He had therefore spoken to the local superintendent of police, who had set his men to work. Those who were engaged in endeavouring to elicit the truth on this question ought not to have been pressed by the police in this way or spoken of in this manner, nor should Mr. Harris, the superintendent of police, and his myrmidons have been permitted to track out the movements of the hon. Gentleman and his friends, who were engaged in the work. They could not expect fair evidence to be given to the Commission if the police were set to work like that.

II. THE PROCEDURE OF THE COMMISSION.

1.—THE SECRETARIES INDIAN OFFICIALS.

Turning now to the second part of his subject, the procedure of the Commission itself, his hon. Friend the mover had dwelt upon the fact that the two secretaries were Indian officials. He did not suppose they would have any contradiction from the other side of the

House with regard to that, as they had in regard to another matter. Mr. Hewitt and Mr. Baines represented that great despotic bureaucracy which governed, and, to his thinking, on the whole so well the Indian Empire. He endorsed what had been said by his hon. Friend that this Commission ought to have been supplied with a secretary from among the many competent men to be found in London who was not imbued with the traditions and methods of the Indian Government, and who above all was acquainted with English standards of justice and fair play. Such a man would have taken care that the Commission should be treated with respect, and that the witnesses should be summoned and dealt with in a fair way. Then there was the special agent, Mr. Dane, who was one of those who committed himself very strongly in 1890 to an opinion on this opium question.

2.—THE TREATMENT OF WITNESSES.

Coming to the treatment of witnesses, he entirely endorsed what his hon. friend had said with regard to the questioning of certain members of the Commission. Sir James Lyall, undoubtedly, had been in the service of the Indian Government, and there was no question as to the position of Mr. Fanshawe, who was Postmaster General in the Indian service. He had read with a feeling of almost shame and indignation the manner in which these two gentlemen had thought fit to examine witnesses. They had asked them with regard to their private affairs and their income; persons of the humblest class were asked questions of a character which one would expect only from an Old Bailey practitioner. He did not think that the majority of that House who voted for the Commission—he himself voted against it—desired our fellow-subjects in India to be treated as some of them had been by some of the members of the Royal Commission. He ventured to say that any hon. Gentleman filling the position of Chairman of a Select Committee of that House would have at once called any of his colleagues to order who so treated witnesses coming before the Committee. The humbler

the position of the witness, and the more nervous he was, the more kindly should be his treatment, and the more also should the chairman and the members endeavour to set him at his ease. One witness remarked in respect of a private and personal question, he did not know if it would affect the character of his evidence, but said of course he had no objection to say if the question was pressed. Mr. Fanshawe at once said: "I must press the question." He wished to pay his tribute of respect to his hon. Friend the Member for the Prestwich Division of Lancashire, who conducted his examination in a very different way; and who, when a witness demurred to answering questions of rather a private nature, said that certainly he would not press them. There was the greatest contrast in this respect between the conduct of the hon. Member for the Prestwich Division of Lancashire and that of Sir James Lyall and Mr. Fanshawe.

3.—HOW MEMORIALS WERE TREATED.

Passing from that he desired to call attention to the very different treatment which was accorded to the memorials of various bodies, and pointed out that while all the propium memorials were allowed to go into the appendices without a word of comment, an official was set to work by the Indian Government to tear to pieces the anti-opium memorial from Calcutta, this official being a person, be it observed, charged with the collection of evidence. Surely this Commission ought to have been above that sort of thing.

4.—HOW OUR POLICY WITH CHINA WAS DEALT WITH.

With regard to evidence as to our opium policy with China, the Chairman of the Commission, Lord Brassey, actually stopped two witnesses of great competency from giving evidence as to this, and said—

"We may take it that we all regret that policy of the past, that we accept the statement that was made on behalf of the late Government by Sir James Fergusson that such a course of policy as that would never be permitted again; that, I think, is agreed."

Would it be believed, however, that after this the Commission allowed 150 pages of the most controversial matter upon this opium policy with China to appear in their Report? If Mr. Dane, who wrote this, had been examined before a Committee of that House, half his statements would have been made mince meat of. Such a procedure would not have been allowed by a single Private Bill Committee upstairs. These 150 pages were saturated with mis-statements and inaccurate particulars, and altogether the contribution was not worth the paper on which it was written, and he deprecated even the cost of printing such a document, which had not formed the subject of any cross-examination.

5.—MISLEADING QUOTATIONS.

Then in the Majority Report he regretted to say there were the most misleading quotations which had ever been his lot to see in any public document. There were two missionaries named Ashmore and Bone, and in the case of Mr. Ashmore the statement put into his mouth by the majority in their Report was not borne out in the least degree on turning to his evidence. In the case of Mr. Bone something worse had been done. They pretended to give his words, but they absolutely left out two or three sentences which had a vital bearing on the issue without any indication of the omission. He never saw such a specimen of misleading quotation. Such things deprived the Report of the Commission of any real value.

6.—A FRAUDULENT TABLE.

Then there was a table given on page 12 of Volume 6 of the Report of certain figures in which a large number of years were left out. The whole argument based on these figures disappeared when they supplied the figures that were left out. He could fill pages of *The Times* newspaper with the inaccuracies contained in the Report; the time they had had to examine into the matter had been all too short.

7.—UNAUTHORISED PAPERS.

Turning to the unauthorised papers appended to the Report, he said he had inquired as to how these precious documents

came to be there. He had had a correspondence with Lord Brassey, who informed him that no request was made to either Mr. Dane or Mr. Baines to write these papers, but when they appeared it was thought desirable to put them in. He (Mr. Ellis) believed their insertion was never brought before the Commission at all. There was a Supplemental Historical Note by Mr. Dane occupying 35 pages; an account of the recent action of the Government of India with regard to poppy cultivation of 9; and a history of the movement in England against opium of 6,—50 in all. As to the last, they might as well ask the Secretary of the Licensed Victuallers Association to write a history of the temperance movement.

8.—MR. WILSON CLOSURED.

He would now come to the last feature in the proceedings of the Commission, which had, even after all he had seen, filled him with astonishment. The Royal Commission, on the last page of their Report, referred to his hon. Friend the Member for the Holmfirth Division. They say:—

“We desire to make a special reference to the Report which we understood to be in preparation by our colleague, Mr. Wilson. The criticism or suggestions which it may contain have not been submitted for our consideration. We regret that in the discussion which took place during the preparation of our Report we were not placed in possession of the views of our colleague.”

Why not? What right had the Commissioners to use that language? Lord Brassey, the Chairman of the Commission, wrote two letters to his hon. Friend on the 2nd and 7th of January of this year, enclosing a copy of a letter that he addressed to Sir James Lyall. Lord Brassey told his hon. Friend that it would be unprofitable to enter into a prolonged discussion, and that he did not anticipate that their further deliberations round the Table would occupy many days. In his letter to Sir James Lyall Lord Brassey said:—

“I strongly insist that the completion of our work has become of extreme urgency, and having received two communications within the last few days, I feel my duty calls for some decided course of action. . . . I shall in any case relieve the Commission from further collecting work on the 26th.”

That was a proceeding for a Chairman ! Giving notice that in three weeks time the Closure would be applied ! Having thus closed the mouth of his hon. Friend, the Commissioners thought fit to reproach him with not having his assistance in discussing the Report. His hon. friend would have been extremely ill-advised if, after receiving the Chairman's letter, he had in any way obtruded his advice on the Commission. It was not a case of closure by compartments : it was the guillotine all at once. That method of conducting a Royal Commission was, he believed, unprecedented. He did not wonder that there was some little impatience on the part of the Secretary of State for India, for the Commission had been dragging on for three months in India and twelve months in this country, and during that time the Chairman of the Commission did not think it inconsistent with his duty to be out of the country a good many months. There was at the time no effort being made to prepare a report or to bring the inquiry within reasonable distance of a conclusion.

9.—THE SECRETARY'S ACTION.

He must say one or two words on the action of the Secretary. Mr. Baines had in two particulars shown that he was utterly wanting in the discretion necessary in an office of that kind. In the first place he deliberately and of his own motion suppressed a note which the hon. Member for the Holmfirth Division desired him to insert if certain correspondence was put in. In the next place he prematurely disclosed the Report of the Commission. It was a most extraordinary thing that an officer of the Indian Government should have disclosed this Report on Saturday the 20th April to a particular newspaper, and that one a powerful friend of the existing system. It appeared in that newspaper on the 22nd, and it was not in the hands of Members till May 7th. The Secretary of State said he had reasons to believe that the Report would be laid on the Table on the 22nd, but if it had there was no reason why it should have been given out to a particular paper on the 20th. He said that on both these two aspects

of the question—on the conduct of the authorities and the procedure of the Commission—the illustrations he had given, and which could be supplemented by the score, had gone far to vitiate and weaken the claim of the Report of this Commission to their respect.

10.—THE TRUE FUNCTIONS OF A ROYAL COMMISSION.

From the first letter of the Viceroy, that most extraordinary document which was laid before the Commission on the 20th November, down to the closing of the hon. Member for the Holmfirth division, there was one persistent intention on the part of the authorities in India to regard this, not as a free inquiry, but as a defence of the Indian opium policy of the Government. He acquitted the Government as a whole, and particularly the right hon. Gentleman the Secretary of State for India, from the slightest complicity in, or approval of, the proceedings. He was quite aware they could not have this kind of procedure in this country. The procedure adopted was one ill becoming the reputation and the dignity of a Royal Commission. A Royal Commission had great functions and powers, and it ought to pursue an even tenour in its course. It ought, on the one hand, to resist, as the Judicial Bench would resist, all pressure of the Executive Government, and on the other hand ought not to listen to words of untruth, but freely admit all evidence, without fear or favour, without a partial hand, above all, be guiltless of any suppressions of testimony.

11.—MORAL MOVEMENTS IRRESISTIBLE.

This movement, however, depended, not upon Royal Commissions and their Reports. Those of them who took some part in trying to get off the Statute Book certain Acts of Parliament some years ago, knew they had against them more than one Royal Commission, more than one Select Committee of the House of Commons, with a majority against them, and yet these Acts of Parliament disappeared by almost universal consent in 1886. So it would be in this

matter. Those great moral forces on which this movement rested were, to a large extent, independent of their action in this House, even independent of the lives of particular Governments, and he was convinced that they would, in time, sweep away that system which he declared—which six Members of the present Cabinet and a dozen other Members of the Administration declared in 1891—to be morally indefensible.

THE SECRETARY OF STATE FOR INDIA
(RIGHT HON. H. H. FOWLER),

in opposing Sir Joseph Pease's motion, spoke of the "unprecedented" attack made on the Commissioners by the Mover and Seconder of the Resolution—it having been the very ground of Mr. Ellis' charges, that their proceedings had been "unprecedented." Subsequently he referred to Mr. Ellis' speech as follows:—

"Remember it is upon the terms of this motion that the House is going to vote to-night.

"It is not upon the question whether one witness was fairly cross-examined or not, or whether one police officer was judicious or injudicious. I know the cases to which my hon. Friend has referred, and I agree with much of what he said in reference to some of those cases. But as to the question of general unfairness in dealing with witnesses, that was investigated by the Commission; the Commission has given a distinct ruling on the question, and has acquitted the Government of India on every one of the charges brought against it."

He made no other reference to the charges contained in Mr. Ellis' speech.

MR. R. G. C. MOWBRAY, M.P.,

a member of the Majority of the Commission, next spoke. His only attempt to meet Mr. Ellis' charges consisted in a denial of the statement "that all the evidence passed through the hands of the Central Government:" a statement which, as will be seen by reference to p. 2, heading I., 2, had not been made by Mr. Ellis.

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